

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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LB 890

amendment. This is a claim involving Ilene Borgman. We had a hearing, as I stated, on these claims. Ms. Borgman appeared before the committee. She was appealing a denial of a claim that she had filed with the State Claims Board. She worked as an employee of the State Material Division. Ms. Borgland (sic) and several of her coemployees filed a report with the Department of Administrative Services which alleged wrongdoing by their supervisor. They file this report expecting protection from retaliation under the whistleblower law that we passed a couple of years...a few years ago. Meanwhile, the State Ombudsman was also investigating. Found that their allegations were, in fact, true against the supervisor. Later, the supervisor announced plans to relocate Ms. Borgland (sic) and reassign her duties. Ms. Borgland (sic) alleged that the planned move was, in fact, retaliation. After a full-day hearing, the State Personnel Board agreed with her and prevented the move. At this hearing, the supervisor was represented by the Attorney General. Ms. Borgland (sic) had private counsel. That's the basic origin of the claim. At the conclusion of the hearing Ms. Borgland (sic) requested the board to pay for her attorney fees since she had to employ a private attorney to plead her case before the Personnel Board. The board, although it has the power to grant buy-back and other relief as it deems appropriate, refused to pay for Ms. Borgland's (sic) attorney fees. The whistleblower law that was passed in 1993 contains a provision that an employee is entitled to attorney fees if that person prevails in an appeal from the State Claims Board, but it was silent about the attorney fees at the board level. So, after listening to the testimony of Ms. Borgland (sic), reviewing the statute, the committee agreed that the intent of the law is to make an employee whole after an activity involving the State Government Effectiveness Act or the Whistleblower bill, even if it is at the personnel board level. To encourage an employee to report illegal or inappropriate activity and then to allow an employee to incur pecuniary loss when doing so was not consistent with the aim or the intent of the law. So, the committee recommended that Ms. Borgland's (sic) attorney fees be paid in the amount of \$4,702. That concludes the committee bill...the committee amendments.

SENATOR CROSBY: Thank...Mr. Clerk.